

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

"FILED IN OPEN COURT"

UNITED STATES OF AMERICA

v.

FRANK R. BOWMAN, JR.
Defendant.

CRIMINAL NO. 04-10293-JLT

4-12-06 Z.L.

**GOVERNMENT'S MOTION FOR A DOWNWARD DEPARTURE PURSUANT
TO U.S.S.G. § 5K1.1 AND SENTENCING RECOMMENDATION**

The defendant, FRANK R. BOWMAN, JR., has provided the government with substantial assistance in the investigation and prosecution of other persons who have committed offenses. The government therefore files this motion pursuant to Section 5K1.1 of the United States Sentencing Guidelines and Title 18, United States Code, Section 3553(e). With regard to Count 3, there is a statutory minimum of seven (7) years of imprisonment.

For the reasons which will be described by the undersigned during the sentencing hearing, the government recommends that the Court sentence FRANK R. BOWMAN, JR. to a total of seventy-five (75) months of imprisonment, three (3) years of supervised release, waive any fine in light of the defendant's indigence and impose a mandatory special assessment of \$200.00 (\$100.00 per count of conviction).

Based on his extensive and forthright cooperation, the government believes that a downward departure under U.S.S.G. § 5K1.1 is appropriate and is seeking what amounts to a 40% departure in his total time of imprisonment. FRANK R. BOWMAN, JR. has provided substantial assistance to the government warranting a departure from the otherwise applicable guidelines sentencing range of 125 to 235 months of imprisonment under the Federal Sentencing Guidelines. Therefore, the United States recommends that ^{FRANK R. BOWMAN, JR.} ~~JAMAL CLARKE~~ be sentenced to seventy-five (75) months of total imprisonment, three (3) years of supervised release, that the Court waive any fine in light of the defendant's indigence and that the Court impose a mandatory special assessment of \$200.00 (\$100.00 per count of conviction).

Allowed
Tamm
4/12/06

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Paul R. Moore
Paul R. Moore
Assistant U.S. Attorney

April 12, 2006

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts

I, Paul R. Moore, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by hand delivery upon defendant's counsel, Charles Clifford, Esq.

/s/ Paul R. Moore
Paul R. Moore
Assistant U.S. Attorney

April 12, 2006